

**Rave-Perkins, Krista**

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**From:** Rave-Perkins, Krista  
**Sent:** Tuesday, August 02, 2016 8:39 AM  
**To:** redbrickrd@outlook.com  
**Subject:** 308 Request to Cascade Utilities  
**Attachments:** RFI\_GnshyManor\_signed\_7.29.16.pdf

**Categories:** Burner

As requested during our meeting on the 27<sup>th</sup>, and agreed to by EPA attorney Endre Szalay, enclosed is the Information Request sent on the 29<sup>th</sup>.

Let me know if you have any questions. I will be out of the office on leave, but will be periodically checking my email. When I get back, we will be reaching out to other concerned groups.

Thank you,

Krista Rave-Perkins, EPA  
206-553-6686



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

**JUL 29 2016**

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Robert Bailie  
Cascade Utilities, Inc.  
P.O. Box 322  
Redmond, Washington 98073-0322

**Re: Request for Information Pursuant to Clean Water Act Section 308 (33 U.S.C. § 1318)**

Dear Mr. Bailie:

The U.S. Environmental Protection Agency (EPA) is investigating alleged violations of the Clean Water Act (CWA) 33 U.S.C. § 1251, *et. seq.*, for the unauthorized discharge of fill material into waters of the United States, including wetlands, on portions of the property known as "Gunshy Manor" or "Nelson Properties" located at 7240 196<sup>th</sup> Avenue, Redmond, Washington. The CWA prohibits the discharge of dredged and/or fill material into waters of the United States, except as authorized by a permit issued by the United States Army Corps of Engineers pursuant to Section 404 of the CWA, 33 U.S.C. § 1344.

The EPA is sending you this letter to gather additional information regarding the alleged violations of the CWA at the Site and work that you were contracted to perform at the Site. Pursuant to EPA's authority under Section 308 of the CWA, 33 U.S.C. § 1318, you are required to respond to the enclosed information request (Enclosure 1).

Please read the instructions and definitions in the enclosures carefully before preparing your response. Answer each question as clearly and completely as possible. Your response to this request must be accompanied by a certificate that is signed and dated by you, or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you that is responsive to the request. A Statement of Certification is included with this letter (Enclosure 2).

**Please submit your response within twenty one (21) calendar days of receipt of this letter to:**

Krista Rave-Perkins, Enforcement Officer  
U.S. Environmental Protection Agency, Region 10  
Mail Code: OCE-101  
1200 Sixth Avenue, Ste. 900  
Seattle, WA 98101

In accordance with 40 CFR § 2.203(a), you are hereby notified that you may assert a business confidentiality claim covering part or all of the information requested above in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. If no confidentiality claims

accompany the information when it is received by EPA, the information may, without further notice to you, be made available to the public. EPA's regulations addressing this subject appear in 40 CFR Part 2, Subpart B, and 41 Federal Register 36,902 through 36,924 (September 1, 1976), as amended.

The Small Business Regulatory Enforcement and Fairness Act, Section 222, provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an Agency enforcement activity. The enclosed information sheet provides information on this right, as well as information on compliance assistance that may be available to you (Enclosure 3). The Small Business Ombudsman may be reached at 1-800-368-5888.

Failure to provide all the information requested in this letter or to explain adequately the basis for such failure, or the making of any false material statement or representation in response to this Information Request, may constitute a violation of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties or fines pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, and Title 18 of the United States Code, 18 U.S.C. § 1001.

If you have any questions concerning this investigation or other matters related to this request, please contact Krista Rave-Perkins at (206) 553-6686 or [rave-perkins.krista@epa.gov](mailto:rave-perkins.krista@epa.gov). If you have any legal questions concerning EPA's civil investigation, please have your attorney contact Endre Szalay, Assistant Regional Counsel, at (206) 553-1073. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward J. Kowalski".

Edward J. Kowalski  
Director

Enclosures

1. Information Request
2. Statement of Certification
3. Information Sheet (U.S. EPA Small Business Resources)

cc: Mr. Paul Anderson  
Department of Ecology

## ENCLOSURE 1

### INFORMATION REQUEST

This information is requested pursuant to Section 308(a) of the Clean Water Act ("CWA") (33 U.S.C. § 1318(a)).

#### Instructions

1. **Answer Each Question Completely.** Provide a separate answer to each question and subpart set forth in this Information Request. Please provide responses to all the questions in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. **Submit Supporting Documents.** Any documents relied upon or used by you to answer any of the questions in the request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the question they respond to.
3. **Provide the Best Information Available.** Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out information that may be known to agents or persons that you authorized to act on your behalf. If your responses are qualified in any manner, please explain.
4. **Supplemental Information and Notification.** If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide a corrected response.

#### Questions

1. Describe the work performed by Cascade Utilities, Inc., including the precise location at the Nelson Properties where work was conducted using a scaled site map, the extent and quantity of material excavated on site or fill material brought to the site and where that material was placed, the type of equipment used to perform the work, and the conditions at the work site prior to performance/completion of the work (e.g., the presence and type of any existing pump or drainage tiles/pipes, the presence and extent of any roads), for the activities identified below:
  - a. Invoice #8251, dated 1/28/2014, description includes "Dig Test Holes in Field for Sewer Drain Fields";
  - b. Invoice #7974, dated 10/10/12, description includes "Double Wide Pasture Reconditioning . . .";
  - c. Invoice #7955, dated 9/25/12, description includes "Double Wide Pasture Maintenance: Repair Drainage & Replace Existing Pump";

- d. Invoice #8105, dated 5/22/2013, description includes "4/30/2013 Double Wide Pasture Maintenance: Tested Pump & Determined New Pump Needed . . .";
  - e. Invoice #8214, dated 11/21/2013, description includes "Double Wide Pasture Maintenance: Replace Old Pump With New Pump . . .";
  - f. Any other excavation, reconditioning, drainage, or fill material work done at the "Double Wide Pasture" between 2011 and present; and,
  - g. Any other drainage or piping work done at the Nelson Properties;
2. Has Cascade Utilities, Inc. ever applied for a Clean Water Act section 404 permit? If so, please provide the dates the permits were requested and whether the permits were issued.



P.O. Box 322 Redmond, WA 98073-0322  
(425) 861-8787 CASCAUI 110 DP

# Invoice

Date	Invoice #
1/28/2014	8251

Bill To
Nelson Properties 16508 NE 79th Street Redmond, WA 98052

Ship To
Estate of Barbara J. Nelson 20005 NE Union Hill Road Redmond, WA 98053

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Upon Receipt		1/28/2014	Cascade	Redmond	2013003 2013 Gun...
Quantity	Units	Description			Price Each	Amount
1	Project	Dig Test Holes In Field For Sewer Drain Fields.			1,080.00	1,080.00T

Subtotal	\$1,080.00
Sales Tax (8.6%)	\$92.88
Payments/Credits	-\$1,172.88
Balance Due	\$0.00

ESTATE 00357



P.O. Box 322 Redmond, WA 98073-0322  
(425) 861-8787 CASCAUI 110 DP

# Invoice

Date	Invoice #
10/10/2012	7974


Bill To
Nelson Properties 16508 NE 79th Street Redmond, WA 98052

Ship To
Estate of Barbara J. Nelson 20005 NE Union Hill Road Redmond, WA 98053

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
T&M	Upon Receipt		10/10/2012	Cascade	Redmond	2012053 Summer I...
Quantity	Units	Description			Price Each	Amount
		9/29/12 Double Wide Pasture Reconditioning				
6	Hours	Dump Truck			100.00	600.00T
6	Hours	Excavator			135.00	810.00T
4	Hours	Back-Hoe			100.00	400.00T
		10/3/12 Spur Farm Road Maintenance: Place Gravel on W End				
3	Hours	Dump Truck			100.00	300.00T
3	Hours	Back-Hoe			100.00	300.00T
34.27	Tons	1 1/4" Crushed Rock			21.50	736.81T
		10/10/12 (E-W) Loop Farm Road Maintenance: Place Grindings				
4	Hours	Dump Truck W/Trailer			125.00	500.00T
3	Hours	Grader			150.00	450.00T

<b>Subtotal</b>	\$4,096.81
<b>Sales Tax (8.6%)</b>	\$352.32
<b>Payments/Credits</b>	-\$4,449.13
<b>Balance Due</b>	\$0.00

ESTATE 00381

 **CASCADE**  
**UTILITIES, INC.**  
P.O. Box 322 Redmond, WA 98073-0322  
(425) 861-8787 CASCAUI 110 DP

# Invoice

Date	Invoice #
9/25/2012	7965

<b>Bill To</b>
Nelson Properties 16508 NE 79th Street Redmond, WA 98052

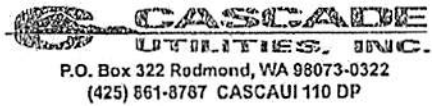
<b>Ship To</b>
Estate of Barbara J. Nelson 20005 NE Union Hill Road Redmond, WA 98053

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
CONTRACT	Upon Receipt		9/25/2012	Cascade	Redmond	2012053 Summer I...
Quantity	Units	Description			Price Each	Amount
		Double Wide Pasture Maintenance: Repair Drainage & Replace Existing Pump			27,568.16	27,568.16T

<b>Subtotal</b>	\$27,568.16
<b>Sales Tax (8.6%)</b>	\$2,370.86
<b>Payments/Credits</b>	-\$29,939.02
<b>Balance Due</b>	\$0.00

**ESTATE 00380**





# Invoice

Date	Invoice #
5/22/2013	8105

<b>Bill To</b>
Nelson Properties 16508 NE 79th Street Redmond, WA 98052

<b>Ship To</b>
Estate of Barbara J. Nelson 20005 NE Union Hill Road Redmond, WA 98053

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Upon Receipt		5/22/2013	Cascade	Redmond	2013003 2013 Gun...
Quantity	Units	Description			Price Each	Amount
6	Hours	4/30/2013 Double Wide Pasture Maintenance: Tested Pump & Determined New Pump Needed				
		Laborers (2)			50.00	300.00T
		Rental Pump W/Generator & Hose			75.00	75.00T

<b>Subtotal</b>	\$375.00
<b>Sales Tax (8.6%)</b>	\$32.26
<b>Payments/Credits</b>	-\$407.26
<b>Balance Due</b>	\$0.00

ESTATE 00367



P.O. Box 322 Redmond, WA 98073-0322  
(425) 861-8787 CASCAUI 110 DP

# Invoice

Date	Invoice #
11/21/2013	8214

<b>Bill To</b>
Nelson Properties 16508 NE 79th Street Redmond, WA 98052

<b>Ship To</b>
Estate of Barbara J. Nelson 20005 NE Union Hill Road Redmond, WA 98053

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Upon Receipt		11/21/2013	Cascade	Redmond	2013003 2013 Gun...
Quantity	Units	Description			Price Each	Amount
		Double Wide Pasture Maintenance: Replaced Old Pump With New Pump				
9	Hours	Labor			50.00	450.00T
1	Each	Series 98 Pump			445.50	445.50T
1	Day	Grimmer Schmidt Air Compressor (Per Day)			75.00	75.00T
1	Lump Sum	Misc. Pump Parts			25.70	25.70T

<b>Subtotal</b>	\$996.20
<b>Sales Tax (8.6%)</b>	\$85.67
<b>Payments/Credits</b>	-\$1,081.87
<b>Balance Due</b>	\$0.00

ESTATE 00370

ENCLOSURE 2

**STATEMENT OF CERTIFICATION**

I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

## ENCLOSURE 3



Office of Enforcement and Compliance Assurance (2201A)  
EPA-300-B-15-001 May 2015

### U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

#### Small Business Programs

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

#### EPA's Asbestos Small Business Ombudsman

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

#### EPA's Compliance Assistance Homepage

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

#### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)  
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

#### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

#### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

**Automotive Service and Repair**  
[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

#### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

#### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

#### Education

[www.campuserc.org](http://www.campuserc.org)

#### Food Processing

[www.fpeac.org](http://www.fpeac.org)

#### Healthcare

[www.hercenter.org](http://www.hercenter.org)

#### Local Government

[www.lgean.org](http://www.lgean.org)

#### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

#### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

#### Printing

[www.pneac.org](http://www.pneac.org)

#### Ports

[www.portcompliance.org](http://www.portcompliance.org)

#### Transportation

[www.tercenter.org](http://www.tercenter.org)

#### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

#### EPA Hotlines, Helplines and Clearinghouses

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

#### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

#### Superfund, TRI, EPCRA, RMP and Oil Information Center

[www.epa.gov/superfund/contacts/infocenter/index.htm](http://www.epa.gov/superfund/contacts/infocenter/index.htm) or 1-800-424-9346

#### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 734-214-4100

#### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

#### National Response Center

Hotline to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

#### Pollution Prevention Information Clearinghouse (PPIC) - [www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic)

or 1-202-566-0799  
**Safe Drinking Water Hotline** - [www.epa.gov/drink/hotline/index.cfm](http://www.epa.gov/drink/hotline/index.cfm) or 1-800-426-4791

## Small Business Resources

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### State Small Business Environmental Assistance Programs (SBEAPs)

[www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

### EPA's Small Business Compliance Policy

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)

This Policy offers small businesses special incentives to come into compliance voluntarily.

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*